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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/337,947 06/22/99 STOEHRMANN

A 693

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EXAMINER

EDWARDS, L

ART UNIT

PAPER NUMBER

1734

DATE MAILED:

02/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/337947

Applicant(s)

Stoehrman et al

Examiner

L. Edwards

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above claim(s) 1-8 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 9-17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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Election/Restrictions

Applicants' election without traverse of Group II, claims 9-17 in Paper No. 7 is acknowledged.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informalities:

On page 13, lines 12-13, Applicants recite "extension roller 1" and this should be changed to --extension or expansion roller 11--.

On page 13, last line, "needling fingers 18" should be changed to --roll fingers 15--.

On page 14, line 5, "chain guide 12" should be changed to --chain guide 20--.

On page 14, line 14, "praying" should be changed to --spraying--.

On page 14, line 15, "needling device 17" should be changed to --needling device 7--.

On page 14, line 20, "needle block 19" should be changed to --needle box 19--.

On page 16, line 6, "spring" should be changed to --spin--.

On page 16, line 13, "pressure band 16" should be changed to --pressure band 17--.

On page 17, line 10, "m/man" should be changed to --m/min--.

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On page 17, line 10, "clamping aggregates 2" should be changed to reflect the --tensioning chain 2--.

On page 24, lines 12-13, "pressing roller 38" should be changed to --pressing roller 37--.

On page 25, lines 13 and 14, "pressing roller 38" should be changed to --pressing roller 37--.

Note: Applicant is advised to check for any additional typographical errors which may have been overlooked by the Examiner.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, Applicants recite a "tensioning aggregate" but it is unclear as to what constitutes a tensioning aggregate as Applicants only recite that it includes a region in which product web is expanded on its edges and smoothed. What structure defines a tensioning aggregate?

In claim 11, line 2, "the sensor" lacks antecedent basis.

In claims 12 and 13, last few lines, it is unclear as to what openings are being referred to for glue tracks.

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In claim 13, lines 7 and 8, Applicants recite “said means” and it is unclear what Applicants are referring to? Are you referring to mounting means, expanding means, etc.?

In claim 14, line 1, Applicants recite “the means” and it is unclear what Applicants are referring to?

In claim 16, last line, Applicants refer to “holding means” and it is unclear how the holding means structurally relates to the remainder of the apparatus. What is the holding means connected to or in communication with?

In claim 17, Applicants recite the “pressing roller,... above the product web **under** said needle box” and it is unclear how the pressing roller can be above the web but under the needle box.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 9-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cucuzza (US 5030303) in view of Boberg (US 5,985,070) and Kubiak et al (EP 0677333).

Cucuzza teaches an arrangement for edge gluing a diaper product web comprising a tensioning means (not shown) for tensioning the product web and a stationary spray nozzle disposed a predetermined distance from the product web to apply a spiral spray pattern of glue to the surface of the product web. Cucuzza fails to teach or suggest specifics of the tensioning means or the use of a spin spray nozzle for applying the spiral spray pattern. However, it was known in the art, at the time the invention was made, to provide a tensioning means in the form of a tension chain or belt with needles to effect expansion and smoothing of a diaper product web longitudinally and transversely as evidenced by Boberg (See col. 3, lines 60+). It was also known in the art, at the time the invention was made to apply a spiral spray pattern of glue to a diaper product web using a spin spray nozzle as evidenced by Kubiak et al (See col. 1, lines 43+). It would have been obvious to one of ordinary skill in the art to provide the tensioning means as taught by Boberg in the Cucuzza arrangement in order to effecting tensioning of the diaper product web longitudinally and transversely during application of the adhesive. Also, it would have been obvious to one of ordinary skill in the art to substitute the Kubiak et al spin spray nozzle for the stationary nozzle of Cucuzza because the spin nozzle would effect the same spiral spray pattern as the stationary nozzle.

With respect to claims 12 and 13, the arrangement as defined by the combination above includes the Boberg tensioning means which includes the tension chain or belt but also the

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feeding device which includes mounted rollers (not numbered- see left of Fig. 2 of Boberg) which enable the diaper product web to be fed onto the tension chain.

With respect to claim 16, although the arrangement as defined by the combination above lacks a means for releasing the web, it would have been obvious to one of ordinary skill in the art to provide a releasing means in the arrangement so as to prevent injury to the operator when removing the treated web from the needle based tension belt.


Allowable Subject Matter

Claims 14, 15, and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Edwards whose telephone number is (703) 308-4252. The examiner can normally be reached on M-F (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7115 for regular communications and same for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


LAURA EDWARDS
PRIMARY EXAMINER

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January 31, 2001